

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KODY CREE PATTEN,

Plaintiff

Case No. 3:22-cv-00226-ART-CSD

ORDER

v.

WILLIAM RUEBART,

Defendant

I. DISCUSSION

According to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff is no longer at the address listed with the Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff until August 26, 2022, to file his updated address with this Court. If Plaintiff does not update the Court with his current address by that date, this case will be subject to dismissal without prejudice.

The Court will also send Plaintiff a one-time courtesy copy of this Court’s order from May 27, 2022. (See ECF No. 6). The Court extends the deadline for Plaintiff to comply with that order to August 26, 2022. By that date, Plaintiff will: (1) file a notice to voluntarily dismiss this action if Plaintiff initiated it in error; (2) submit a complaint to this Court if Plaintiff is initiating a civil rights action; or (3) submit a petition for writ of habeas corpus to this Court if Plaintiff is initiating a habeas action. (See ECF No. 6 at 2). If Plaintiff is initiating a civil rights lawsuit or a petition for writ of habeas corpus, he will also file an application to proceed *in forma pauperis* or pay the full filing fee for the action by

1 August 26, 2022. (*Id.*)

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that Plaintiff will file his updated
4 address with the Court by **August 26, 2022**.

5 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff a one-
6 time courtesy copy of this Court's May 27, 2022, order (ECF No. 6).

7 IT IS FURTHER ORDERED that, on or before **August 26, 2022**, Plaintiff will: (1)
8 file a notice to voluntarily dismiss this action if initiated in error; (2) submit a complaint to
9 this Court if initiating a civil rights action; or (3) submit a petition for writ of habeas corpus
10 to this Court.

11 IT IS FURTHER ORDERED that, if Plaintiff is seeking to initiate a civil rights lawsuit
12 or a petition for writ of habeas corpus, he will: (1) file a fully complete application to
13 proceed *in forma pauperis*; (2) pay the full \$402 filing fee for a civil rights action; or (3)
14 pay the full \$5 filing fee for a habeas corpus action on or before **August 26, 2022**.

15 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
16 approved forms and instructions for filing a 42 U.S.C. § 1983 complaint and petition for
17 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Clerk of the Court will also send
18 Plaintiff a copy of his "notice of appeal." (ECF No. 1-1).

19 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
20 approved form application to proceed *in forma pauperis* by an inmate, as well as the
21 document entitled information and instructions for filing an *in forma pauperis* application.

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1 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
2 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with
3 the Court, under a new case number, when Plaintiff is able to submit a complaint or a
4 petition for writ of habeas corpus and file a complete application to proceed *in forma*
5 *pauperis* or pay the full filing fee for the lawsuit.

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7 DATED THIS 28th day of July 2022.

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9 UNITED STATES MAGISTRATE JUDGE